



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 13-019

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated November 2011.]

2. Form, Style and Placement in Administrative Code

a. The style of the enumeration of rule provisions treated by the proposed rule should conform to the example provided in s. 1.02 (1), Manual. In general, it is not necessary to enumerate a full citation for each treatment of a rule subunit.

b. In SECTION 5, it appears that the following text should also be underscored: “or chs. NR 21, NR 22, or NR 23”. [s. 1.06, Manual.]

c. Throughout the proposed rule, the department appears to predominantly use only numbers for the right-hand column of its chart in s. NR 20.20, since the heading to the column indicates the units as inches. Nonetheless, the chart sometimes indicates a number and a quotation to symbolize inches, or a number and “inches”. In most instances, the department amends these provisions to remove the symbol or “inches”, however, SECTIONS 80, 81, and 83 continue to use a symbol or “inches”. The department should review the rule in its entirety for consistency in this regard.

d. In SECTION 113, the entire existing word should be struck and a new word underscored to indicate amendment of “lake” to “lakes”. [s. 1.06 (2), Manual.] The rule should be reviewed in its entirety for other similar occurrences.

e. In SECTION 123, new text should be identified by underscores. The rule should be reviewed in its entirety to ensure new text is identified by underscore. [s. 1.06, Manual.]

f. In SECTION 132, it appears the subdivision listed in the rule text should be 6., not 1.

g. In SECTION 164, current law s. NR 20.35 (3) (a) 5. (amended by the rule to become subd. 1. e.) omits deleted text that should be shown with a strike-through. The rule should be reviewed in its entirety to ensure deletions are indicated by strike-throughs. [s. 1.06, Manual.]

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In the rule analysis, it appears that SECTION 102 should be listed with the rule sections related to motor trolling, not rough fish spearing.

b. In the rule analysis, is it appropriate to list SECTION 164 with the rule sections that relate to the removal of the Northern Bass Management Zone early catch and release season for largemouth bass?

c. Throughout the proposed rule, the department differentiates between regulations for largemouth and smallmouth bass in s. NR 20.20 and should consider whether it would be clearer to create separate rule provisions for each fish, rather than explaining the regulations for each fish in the same rule provisions.

d. Under SECTION 105, in par. (b) 3. a., it may be unclear to anglers whether the entire size restriction passage applies only to largemouth bass or just the restriction that only one fish may be longer than 18 inches. The rule should be reviewed in its entirety for other similar occurrences.